

REMARKS

Claims 1-9 and 36-47 remain pending. Claims 10-35 have been cancelled. The Examiner has acknowledged that claims 35, 36, 42, and 44 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 48-73 have been added.

Claim 1 has been amended to incorporate all of the features of claim 35, in accord with the Office's acknowledgement that claim 35 would be allowable if rewritten in independent form. In light of the incorporation of all features of claim 35 into claim 1, claims 1, 8, and 36-40 have been amended to recite "target *Phytophthora*" rather than "target fungus."

In accord with the Office's suggestion that claim 42 would be allowable if rewritten in independent form, new independent claim 48 has been presented, incorporating all features of claim 42 as originally presented. New claims 49-60 have been presented to depend from new independent claim 48. Support for these new claims are as follows:

NEW CLAIM	SUPPORTING CLAIM
48	42
49	2
50	45
51	3
52	4
53	6
54	7
55	8
56	33
57	34
58	35
59	36
60	37-40

Similarly, in accord with the Office's suggestion that claim 44 would be allowable if rewritten in independent form, new independent claim 61 has been presented, incorporating all features of claim 44 as originally presented. New claims 62-73 have

been presented to depend from new independent claim 61. Support for these claims are as follows:

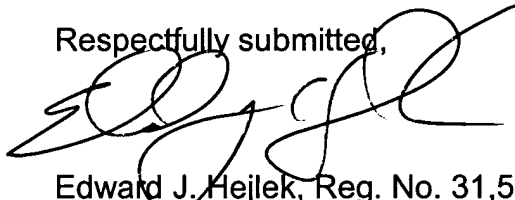
NEW CLAIM	SUPPORTING CLAIM
61	44
62	2
63	45
64	3
65	4
66	6
67	7
68	8
69	33
70	34
71	35
72	36
73	37-40

CONCLUSION

In light of the foregoing, Applicants request an entry of the claim amendments and solicit allowance of the claims. The Office is invited to contact the undersigned attorney should any issue remain unsolved.

The Commissioner is hereby authorized to charge any fee deficiency in connection with this Response to Deposit Account Number 19-1345.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'EJ Hejlek', written over the typed name.

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